



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

CRP(NPD) (MD)No.1252 of 2012

WEB COPY

K.Manoharan

... Petitioner/Petitioner/ Plaintiff

versus

1. Chandrakumar @ Subramanian

2. Senthilkumar

3. Nallakumar

... Respondents/Respondents/Defendants

Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the order dated 01.07.2011 made in I.A.No.194 of 2007 in O.S.No.12 of 1993 on the file of the Sub Judge, Sivagangai.

For Petitioner : Mr.G.Mohankumar

For Respondents : No appearance

ORDER

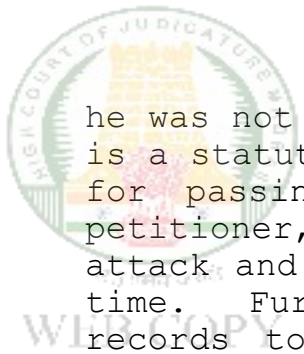
This Civil Revision Petition has been filed challenging the impugned order dated 01.07.2011 passed in I.A.No.194 of 2007 in O.S.No.12 of 1993, seeking condonation of delay of 3500 days in filing the final decree application in O.S.No.12 of 1993.

2. It is the case of the petitioner that he filed a suit in O.S.No.12 of 1993 as against the defendants/respondents to recover the suit amount of Rs.25,300/- on the basis of mortgage deed dated 03.10.1988, wherein, a preliminary decree was passed on 15.07.1994. Thereafter, as he suffered paralytic attack, he was not able to file an application for passing final decree, within the statutory period and hence, there was a delay of 3500 days in filing the final decree application. When the petitioner moved a final decree application along with an application to condone the delay in filing the application for passing of final decree, the Executing Court refused to condone the delay on the ground that the petitioner has not given sufficient explanation for the said delay. Aggrieved over the same, the present Civil Revision Petition has been filed.

3. Heard the learned counsel for the petitioner and perused the records. However, there is no representation for the respondents.

4. It is seen that before the Executing Court, the petitioner has explained that since he suffered paralytic attack,

<https://hcservices.ecourts.gov.in/hcservices/>



he was not able to file the final decree application in time. There is a statutory period of three years to move the application seeking for passing of final decree. But, in the present case, the petitioner, after 13 years, cannot plead that he suffered paralytic attack and hence, he has not filed the final decree application in time. Furthermore, the petitioner has not produced any medical records to prove the same. Therefore, the Executing Court has rightly dismissed the application. Hence, the Civil Revision Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ogy

To

The Subordinate Judge,
Sivagangai.

Copy to:
The Section Officer,
VR Section(2 copies),
Madurai Bench of Madras High Court,
Madurai

CRP (NPD) (MD) No.1252 of 2012

10.01.2020

MK (19.02.2020) 2P 4C